

COVID-19 - GUIDANCE FOR COURTS

COUNTY COURT

12 MAY 2020

This note replaces the Guidance issued on 27 March 2020.

Emergency, Urgent and Other Hearings

Where a party wishes to bring an application for an emergency or urgent hearing in relation to an existing case or a new case, such as an injunction, or requests a hearing for a matter which they consider is necessary there will be a rota of County Court Judges to deal with such application. In all instances the party should contact the relevant court office¹ who will contact the first named rota judge to advise them of the request.

An application should be made by completing the requisite form, sharing it with the other party in sufficient time to enable it to be completed collaboratively and lodged with the court office five working days before the case is listed.

The judge will consider the application and determine if it can be dealt with on the papers. Where the requirements of fairness and justice require a hearing it is expected most matters will be undertaken remotely either by live link, email, or telephone etc. A party or legal representative should notify the court office of the means by which they will engage with the court. If it is safe to conduct one, then a court based hearing may take place however the judge may limit the number of persons present in court at one time. Generally parties and legal representatives should not attend court.

When dealing with possession proceedings, judges shall take into account all circumstances, including the guidelines issued by the Department for Communities during this period of public health emergency.

Civil bills, Ejectments and Small Claims

Judges will deal with agreed matters or where approval is required. Where parties have agreed a way forward in their case and are seeking an order from the court or approval from the court, they should complete the relevant form, sharing it with the other party/parties to enable it to be completed collaboratively, and lodge it with the court office.

¹ As of 26 March, the consolidated court venues are: the Royal Courts of Justice, Laganside Courts, Craigavon, Dungannon and Londonderry Courthouses. Email addresses can be found in Annex A (https://judiciaryni.uk/sites/judiciary/files/media-files/ANNEX%20A%20%20Business%20Continuity%20Covid%2019%20-%20Court%20Office%20Contact%20Details%20-%202023.03.20_2.pdf)

Settlements and requests for any matter to be addressed should be sent to the relevant court office on Form 98A of the County Court Rules (NI) 1981 or by the form provided respectively. Consideration will be given to minor settlements in non-complex cases being dealt with administratively and without the need for the minor, guardian or legal representatives to attend. The legal representative who seeks approval however should provide a full brief in writing about the circumstances of the case with a note of the proposed figure for approval. It will be important that the judge is told how the figure for approval was arrived at and the course of the negotiations leading to it. Any special or unusual circumstances should be disclosed. Areas of agreement between the parties should usually be drawn to the judge's attention with queries conveyed in writing and responded to. An administrative order should address issues such as costs and/or investment and/or authorisation of fees.

Contested civil bill hearings, ejectments and small claims will not initially proceed at this stage of the recovery process, unless the issues are straightforward.

Judges will undertake an administrative review of Civil Cases. Representatives will be advised to complete and lodge form [CCI1](#) and lodge it by email with the relevant Court Office. Where the judge determines a review hearing is required the parties will be notified of the date and time.

Injunctions

Applications for injunctions will be dealt with on the basis of submissions and written evidence. If an ex parte hearing is required, judges will consider if this can be achieved by way of live link or other remote facility. While respondents will be entitled to an inter partes hearing, this may need to proceed by way of live link or other remote facility. If a hearing cannot be facilitated, the interim relief may need to remain in place until further notice.

Extraditions, Magistrates Court Appeals and Other Criminal Business

Please refer to Crown Court Guidance.

Licensing, statutory appeals and other civil proceedings

Subject to a request for a matter to be addressed, in the form provided, all existing and new applications and appeals will be adjourned to a specific date and kept under review.